

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,	)	
	)	
Appellee,	)	
	)	No. 06-4494
v.	)	
	)	
ZACARIAS MOUSSAOUI,	)	
	)	
Appellant.	)	

**APPELLANT’S CONSENTED MOTION FOR EXTENSION OF TIME  
TO FILE PETITION FOR  
REHEARING AND REHEARING *EN BANC***

Pursuant to Federal Rule of Appellate Procedure 26(b) and Fourth Circuit Local Rules 27(a) and 40(c), appellant Zacarias Moussaoui, through undersigned counsel, hereby moves this Honorable Court for entry of an Order granting a twenty-one-day extension of time of the deadline to file a petition for rehearing or rehearing *en banc*.

In support of this consented Motion, Mr. Moussaoui states:

1. On January 4, 2009, this Court issued its Judgment and Opinion affirming Mr. Moussaoui’s convictions and sentences in their entirety and denying his motion to remand for further proceedings.

2. Pursuant to Federal Rule of Appellate Procedure 40(a)(1), a petition for panel rehearing may be filed within 14 days after entry of

judgment. Fourth Circuit Local Rule 40(c) sets out specific and extraordinary grounds justifying an extension of time to file a petition for rehearing or rehearing *en banc*. Such grounds presently exist.

3. First, this case presents a number of extraordinarily complex issues involving classified evidence. Additional time is required for undersigned counsel to prepare the petition for rehearing or rehearing *en banc*.

4. Second, on December 28, 2009, Mr. Moussaoui's appointed counsel, Justin Antonipillai, experienced the death of an immediate family member. Mr. Antonipillai is lead counsel for Mr. Moussaoui and twice argued the appeal to this Court. As a result of this death in the immediate family, additional time is necessary to prepare a petition.

5. Neither party will be prejudiced by this brief, twenty-one-day extension.

6. On January 8, 2010, in accordance with Fourth Circuit Local 27(a), undersigned counsel contacted Kevin Gingras, counsel for the Government, to inform opposing counsel about the filing of this motion. Mr. Gingras has indicated that the Government consents to the relief sought herein.

7. Therefore, Zacarias Moussaoui, through undersigned counsel, respectfully requests that this Court grant a twenty-one-day extension of the deadline for the filing of any petition for rehearing or rehearing *en banc* so

that any such petition now must be filed and served on or before  
February 8, 2010.

Respectfully Submitted,

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*Counsel for Zacarias Moussaoui*

DATED: January 9, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Kevin R. Gingras  
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